

Town Board Minutes

June 7, 2010

Meeting No. 17

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 7th day of June 2010 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
MARK AQUINO, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
GARY STOLDT, CHIEF OF POLICE
DAVID MARRANO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
DANIEL AMATURA, HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES
LOUIS CACCIOTTI, DEPUTY HIGHWAY SUPERINTENDENT

EXECUTIVE SESSION:

AT 9:18 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a contractual matter regarding the Public Safety Building.

At 9:57 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Dressel, Randi, spoke to the Town Board on the following matter:

- Drainage issues

Beutler, Daniel, spoke to the Town Board on the following matters:

- Rezone and Site Plan of Gold Seal Equity on Genesee Street
- Erie County Sewer work
- Water Line Improvement work

Chowaniec, Lee, spoke to the Town Board on the following matter:

- Berm from William Street north to Transit Boulevard along Bella Vista’s “Gateway Center”

Fronczak, Mike, spoke to the Town Board on the following matter:

- Local Law - Sidewalk & Street Revision

Hangauer, Carmen/Dave, spoke to the Town Board on the following matter:

- Local Law - Sidewalks & Street Revision

Drescher, Wayne, Town Auditor presented Report of Financial Statements

PUBLIC HEARING SCHEDULED FOR 8:15 P.M.:

At 8:15 P.M., the Town Board held a Public Hearing to hear all interested persons upon an increase in improvements and of facilities of the Town of Lancaster Consolidated Water District.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

At 8:15 o’clock p.m. (Prevailing Time) the Town Clerk stated that a Public Hearing had been called for this meeting at the Town Hall, in said Town, in the County of Erie, New York to consider the Increase and Improvement of facilities of the Town of Lancaster Consolidated Water District (the “District”), in said Town.

The Supervisor stated that the Public Hearing on the Increase and Improvement of the facilities of the Town of Lancaster Consolidated Water District in the Town of Lancaster, was now open and asked if there was any interested person who desired to be heard.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Questions
None	

ON MOTION BY COUNCIL MEMBER RUFFINO , SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was closed at 8:18 P.M.

The Town Board, later in the meeting adopted a resolution, hereafter spread at length in these minutes, taking favorable action upon this matter.

June 7, 2010

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held May 17, 2010 and the minutes of a Special Meeting of the Town Board held May 20, 2010 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	ABSTAINED
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 7, 2010

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER ABRAHAM, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director of
Administration and Finance, to wit:

Claim No. 13875 to Claim No. 14132 Inclusive

Total amount hereby authorized to be paid: \$943,288.43

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 7, 2010

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
- (CSW) = Conditional sidewalk waiver
- (V/L) = Village of Lancaster

PREVIOUSLY TABLED PERMITS:

16415	Grau Builders	11 Logan Ln	Er. Dwlg.-Sin.
16993	Grau Builders	24 Logan Ln	Er. Dwlg.-Sin.

NEW PERMITS:

17998	Davis, Tim	6432 Genesee St	Er. Comm. Alt.
17999	Faso, Tom	27 Logan Ln	Er. Deck
18000	Sun Enterprises Inc	73 Grant St	Er. Shed (V/L)
18001	F&D Construction	19 Quail Hollow	Re-Roof
18002	Duro Shed Inc	388 Seneca Pl	Er. Shed
18003	Big John's Const	13 Grant St	Re-Roof (V/L)
18004	Besroi Construction	19 Irwinwood Rd	Re-Roof (V/L)
18005	Switala's Siding	3 Harewood Run	Re-Roof
18006	Neth & Son Inc	64 Erie St	Re-Roof (V/L)
18007	Superior Decks	40 Foxwood Row	Er. Deck
18008	Fix, Richard	19 Southpoint Dr	Er. Pool-Abv Grnd
18009	Marrano/Marc Equity	10 Pelham Rd	Er. Dwlg.-Sin.
18010	Fedick, Richard	52 Hess Pl	Er. Deck
18011	Iroquois Fence Co	49 Creekwood Dr	Er. Fence
18012	Fix, Richard	56 Southpoint Dr	Er. Pool-Abv Grnd
18013	Beauty Pools	21 Stream View Ln	Er. Pool-Abv Grnd
18014	Decks Unlimited	110 Pavement Rd	Er. Fence
18015	Leveled Const	886 Townline Rd	Re-Roof
18016	Schaffer, Liza	26 Michael's Walk	Er. Deck
18017	MSR Remodeling	3741 Walden Ave	Re-Roof (V/L)
18018	Sun Enterprises	747 Erie St	Er. Shed
18019	Sun Enterprises	3 Sweet Brier Ct	Er. Shed
18020	Sun Enterprises	5 Ravenwood Dr	Er. Shed
18021	Herzog, Linda	55 School St	Er. Fence (V/L)
18022	Buffalo Builders	5732 Broadway	Er. Res. Add.
18023	Heckel, Karen	32 Hess Pl	Re-Roof
18024	TR Renovation	58 Roosevelt Ave	Re-Roof (V/L)
18025	SW Brown Const	126 Ransom Rd	Re-Roof
18026	House Crafters	48 Albert Dr	Re-Roof (V/L)
18027	Four Season Contr.	57 Rehm Rd	Er. Res. Add.
18028	Solution's Roofing	34 Lombardy St	Re-Roof (V/L)
18029	Majestic Pools	21 Hampton Ct	Er. Pool-In Grnd
18030	Majestic Pools	21 Hampton Ct	Er. Fence
18031	Buz's Remodeling	5632 William St	Er. Deck

18032	Designer Pools	80 Steinfeldt Rd	Er. Pool-In Grnd
18033	Designer Pools	80 Steinfeldt Rd	Er. Fence
18034	City Fence Inc	2 Quail Hollow	Er. Fence
18035	City Fence Inc	4 Quail Hollow	Er. Fence
18036	Duro Shed Inc	5 Hidden Trl	Er. Shed
18037	Stockmohr Siding	53 Westwood Rd	Re-Roof
18038	Pro Line Pools	46 Pheasant Run Ln	Er. Pool-Abv Grnd
18039	Sahlem's Roofing	52 Tomahawk Trl	Re-Roof
18040	Concord Amish Village	45 Chicory Ln	Er. Shed
18041	Sahlem's Roofing	1 Hemlock Ln	Re-Roof
18042	RGGT, LLC	13 Stone Hedge Dr	Re-Roof
18043	Piechowicz, Denise	16 Liberty St	Er. Fence (V/L)
18044	Black Rock Roofing	2135 Como Park Blvd	Re-Roof (V/L)
18045	The Pool Guy	25 Worthington Ln	Er. Pool-Abv Grnd
18046	Slivan Pool & Const	36 Rose St	Er. Pool-Abv Grnd
18047	Vinyl Outlet	29 Bentley Cir	Er. Fence
18048	City Fence	44 Pardee Ave	Er. Fence (V/L)
18049	Castle Home Imprv	172 Seneca Pl	Re-Roof
18050	Calabrese Const	1 Willow Ridge Ln	Re-Roof
18051	Ryan Homes	42 Avian Way	Er. Dwlg.-Sin.
18052	Ryan Homes	54 Avian Way	Er. Dwlg.-Sin.
18053	Ryan Homes	81 Avian Way	Er. Dwlg.-Sin.
18054	D Allen & Son	5 Fieldstone Ln	Re-Roof
18055	Wegst, Donald	48 Robert Dr	Inst. Generator (V/L)
18056	Sun Enterprises	35 Brady Ave	Er. Shed (V/L)
18057	Rudick, Craig	38 Cardinal Ct	Re-Roof
18058	The Pool Guy	15 Hinchey Ave	Er. Pool-Abv Grnd (V/L)
18059	The Pool Guy	18 Fox Trace	Er. Pool-Abv Grnd
18060	Superior Decks	9 Northbrook Ct	Er. Deck
18061	Siminski, Martin	334 Seneca Pl	Er. Deck
18062	John Kaptein Contr.	33 Woodlawn Ave	Re-Roof (V/L)
18063	Young Installers	10 Ashwood Ct	Er. Fence
18064	Diamond Builders	169 Siebert Rd	Er. Dwlg.-Sin.
18065	Cudeck, Paul	100 Court St	Er. Res. Add. (V/L)
18066	Swimco Mfg	59 School St	Er. Pool-In Grnd (V/L)
18067	Picket Fence	9 Edgewood Rd	Er. Fence (V/L)
18068	Fix, Richard	2 Shadyside Ln	Er. Pool-Abv Grnd
18069	Heritage Home Bldrs	1258 Townline Rd	Er. Garage
18070	Picket Fence Co	17 E Home Rd	Er. Fence
18071	Duro-Shed Inc	6324 Broadway	Er. Shed
18072	DiPasquale, Ronald	95 Laverack Ave	Re-Roof (V/L)
18073	Tschetter's Const.	18 Petersbrook Cir	Re-Roof
18074	Gagliano Const	51 Cowing St	Re-Roof (V/L)
18075	Tool Ranch	3857 Walden Ave	Er. Comm. Add.
18076	Caldwell, Linda	4942 William St	Er. Shed
18077	The Pool Guy	45 Stony Brook Dr	Er. Pool-Abv Grnd
18078	Quality Aluminum II	6340 Broadway	Er. Shed
18079	Santiago, Anthony	6711 Transit Rd	Er. Sign
18080	Santiago, Anthony	6711 Transit Rd	Er. Shed
18081	Santiago, Anthony	20 Pine View Ln	Er. Shed
18082	Sun Enterprises Inc	1376 Townline Rd	Er. Shed
18083	All Craft Inc	12 Tranquility Trl	Er. Deck
18084	Driver, Mahlon	59 Michael Anthony Ln	Er. Res. Alt.

18085	3-D Home Contr	516 Townline Rd	Er. Res. Add.
18086	Slivan Pools	9 Overton Ct	Er. Pool-Abv Grnd
18087	The Pool Guy	1 Stony Brook Dr	Er. Pool-Abv Grnd

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 7, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER STEMPNIAK, WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER AQUINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 17 (F) of the Code of the Town of Lancaster, upon the application of **Richard J. Koch**, for a Special Use Permit for a Home Occupation (C.P.A. Office) on premises located at 60 Michael’s Walk, Lancaster, New York, and the Board issued such Special Use Permit on June 16, 2008, this Special Use Permit is subject to renewal upon application by the property owner, and

WHEREAS, Richard J. Koch has requested that the Town Board renew the Special Use Permit for an additional two (2) year period;

**NOW THEREFORE, BE IT
RESOLVED, as follows:**

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled “Home Occupation”, of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Richard J. Koch**, for a Home Occupation (C.P.A. Office) on premises located at 60 Michael’s Walk, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely:

- a. This Special Use Permit terminates when the applicant no longer resides on the premises.
- b. Permit must be renewed every two (2) years at no additional cost to applicant.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 7, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AQUINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, a proposed Local Law of the Year 2010 entitled “SIDEWALKS AND STREETS REVISION” which will amend the Code of the Town of Lancaster by adding Section 12-4 (B), 12-4 (C) and to re-label current Section 12-4 (B) as new Section12-4 (D) within Chapter 12 “Sidewalks and Streets”, Section 4 “Care by owners or occupants” which was introduced to the Town Board of the Town of Lancaster on the 3rd day of May, 2010, and

WHEREAS, a Public Hearing was duly called and held pursuant to law on May 17, 2010;

NOW, THEREFORE, BE IT

ENACTED, by the Town Board of the Town of Lancaster, a Local Law of the Year 2010, entitled “SIDEWALKS AND STREETS REVISION” which will amend the Code of the Town of Lancaster by adding 12-4 (B), 12-4 (C) and to re-label current Section 12-4 (B) as new Section12-4 (D) within Chapter 12 “Sidewalks and Streets”, Section 4 “Care by owners or occupants”, which reads as follows:

SIDEWALKS AND STREETS

Section 12-4, Care by Owners or Occupants Revision.

Local Law No. 1 Of the Year 2010

A LOCAL LAW OF THE YEAR 2010 ENTITLED “SIDEWALKS AND STREETS REVISION”, WHICH WILL, AMEND THE CODE OF THE TOWN OF LANCASTER BY ADDING SECTION 12-4 (B), 12-4 (C) AND TO RE-LABEL CURRENT SECTION 12-4 (B) AS NEW SECTION 12-4 (D), OF CHAPTER 12, SECTION 4 “CARE BY OWNERS AND OCCUPANTS.”

BE IT ENACTED, by the Town Board of the Town of Lancaster, New York as follows:

The Code of the Town of Lancaster is hereby amended by enacting the Local Law of the Year 2010 entitled “SIDEWALKS AND STREETS REVISION” which adds Section 12-4 (B), 12-4 (C) and to re-label current Section 12-4 (B) as new Section 12-4 (D) within Chapter 12 “Sidewalks and Streets”, Section 4 “Care by owners or occupants” of the Town Code which reads as follows:

§12-4. Care by Owners and Occupants

B. Liability of real property owner for failure to maintain sidewalk in a reasonably safe condition.

1. It shall be the duty of the owner of real property abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, to maintain such sidewalk in a reasonably safe condition.

2. Notwithstanding any other provision of law, the owner of real property abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, shall be liable for any injury to property or personal injury, including death, proximately caused by the failure of such owner to maintain such sidewalk in a reasonably safe condition. Failure to maintain such sidewalk in a reasonably safe condition shall include, but not be limited to, the negligent failure to install, construct, reconstruct, repave, repair, or replace defective sidewalk flags and the negligent failure to remove snow, ice, dirt, or other material from the sidewalk.

3. Notwithstanding any other provision of law, the Town shall not be liable for any injury to property or personal injury, including death, proximately caused by the failure to maintain sidewalks in a reasonably safe condition. This subdivision shall not be construed to apply to the liability of the town as a property owner pursuant to subdivision (b) of this section.

4. Nothing in this section shall in any way affect the provisions of this chapter or of any other law or rule governing the manner in which an action or proceeding against the Town is commenced, including any provisions requiring prior notice to the Town of defective conditions.

C. Personal injury and property damage liability insurance. An owner of real property, other than a public corporation as defined in section sixty-six of the general construction law or a state or federal agency or instrumentality, to which subdivision (a) of this section of this code applies, shall be required to have a policy of personal injury and property damage liability insurance for such property for liability for any injury to property or personal injury, including death, proximately caused by the failure of such owner to maintain the sidewalk abutting such property in a reasonably safe condition. The Town shall not be liable for any injury to property or personal injury, including death, as a result of the failure of an owner to comply with this section.

D. The owner and the occupant shall be jointly and severally responsible for compliance with the provisions hereof.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Lancaster shall:

- (1) Immediately post a copy of Local Law No. 1 of the Year 2010 on the Town Bulletin Board.
- (2) Within ten (10) days publish a certified copy of the Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication.
- (3) Maintain a file in the Town Clerk’s office on Local Law No.1 of the Year 2010, with all the proofs of publication and posting required for adoption.
- (4) File certified copies of Local Law No. 1 of the Year 2010 within ten (10) days of adoption with:
 - a) Town Clerk’s office
 - b) One (1) copy with the office of the Secretary of State

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 7, 2010

LOCAL LAW NO. 1 OF THE YEAR 2010
TOWN OF LANCASTER

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on June 7, 2010, Local Law No. 1 of the Year 2010, entitled “Sidewalks and Streets Revision” which adds Section 12-4 (B), 12-4 (C) and to re-label current Section 12-4 (B) as new Section12-4 (D) within Chapter 12 “Sidewalks and Streets”, Section 4 “Care by owners or occupants” of the Code of the said Town, briefly described as follows:

“A LOCAL LAW OF THE YEAR 2010 ENTITLED “SIDEWALKS AND STREETS REVISION”, WHICH WILL, AMEND THE CODE OF THE TOWN OF LANCASTER BY ADDING SECTION 12-4 (B), 12-4 (C) AND TO RE-LABEL CURRENT SECTION 12-4 (B) AS NEW SECTION 12-4 (D), OF CHAPTER 12, SECTION 4 “CARE BY OWNERS AND OCCUPANTS.”

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: JOHANNA M. COLEMAN
Town Clerk

June 7, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the hours of operation for Town Offices were set by resolution adopted by the Town Board on January 4, 2010, and

WHEREAS, many individuals are desirous of flexible working hours during the summer months.

NOW, THEREFORE BE IT

RESOLVED, that the Town Board authorizes department heads to incorporate, at their discretion, flexible working hours for the period commencing with the first Monday, June 2010 through the second Friday, September 2010, with employees rotating working hours between 8:00 A.M. to 4:00 P.M. and 9:00 A.M. to 5:00 P.M., with all employees required to take the usual 1-hour lunch break, and always ensuring that at least one (1) individual covers the office between the required Town office hours of 9:00 A.M. and 5:00 P.M.

BE IT FURTHER

RESOLVED, that the policy applies to the following departments:

Town Clerk	Courts
Assessor	Town Attorney
Building Inspector	Parks & Recreation
Supervisor	Youth Bureau

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 7, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED IT’S ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, §1660 (18) Vehicle and Traffic Law of the State of New York authorizes the Town to restrict and prohibit the parking of vehicles on all roads within the Town except State highways, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, “VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER”,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 21st day of June, 2010, at 8:15 o’clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 7th day of June, 2010, the said Town Board will hold a Public Hearing on the 21st day of June, 2010, at 8:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

CHAPTER 46

ARTICLE X

ARTICLE X - Parking, Standing and Stopping.

46-12. Parking prohibited in designated locations.

- A. The parking of a vehicle is hereby prohibited in any of the following locations:
- (33) Intersecting Roadways Throughout the Lancaster Heritage Trail:

- (a) Minimum of 500 feet , both sides north and south from the intersection with Cemetery Road.
- (b) Minimum of 1000 feet, both sides north from the intersection with Pavement Road and south to Nichter Road..
- (c) Minimum of 500 feet, both sides north and south of intersection with Ransom Road.
- (d) Minimum of 500 feet, both sides north and south of intersection with Town Line Road.

and

ARTICLE X - Parking, Standing and Stopping.

§46-13 Standing prohibited in designated locations, is hereby amended by adding thereto the following:

- A. Intersecting Roadways Throughout the Lancaster Heritage Trail:
- (33) Along the Heritage Trail Bike Path

- (a) Minimum of 500 feet , both sides north and south from the intersection with Cemetery Road.
- (b) Minimum of 1000 feet, both sides north from the intersection with Pavement Road and south to Nichter Road..
- (c) Minimum of 500 feet, both sides north and south of intersection with Ransom Road.
- (d) Minimum of 500 feet, both sides north and south of intersection with Town Line Road.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
 Town Clerk**

June 7, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AQUINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York, Engineer for Town Hall Expansion/Addition for the Town of Lancaster, has submitted Change Order No. G-1 in the amount of \$35,000.00 to the Town Board for their approval, based on the addendum descriptions of additional work to be performed previously provided to the Town Board;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. G-1 to Transit Construction Services, to: Addendum one (1) and Addendum two (2) as outlined on the descriptions previously provided to the Town Board:

DESCRIPTION OF CHANGE ORDER NO. G-1:

Additional compensation for the installation of additional decorative fypon brackets and bed molding along the roof soffit, and for replacing the half walls at the entrance ramp with railings to match the Opera House’s railing system utilizing stock railing parts and for other items as required to complete the project.

CHANGE ORDER NO. G-1:

The original Contingency Allowance was	\$25,000.00
The Contingency Allowance Sum will be increased by this Change Order in the amount of	\$50,000.00
The new Contingency Allowance Sum increased to including this Change Order will be	\$75,000.00

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this Change Order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER RUFFINO, TO WIT:

WHEREAS, on January 4, 2010 the Town of Lancaster adopted a resolution appropriating the sum of \$1,100 within the Town of Lancaster 2010 Budget for the proper observance of Memorial Day and Independence Day among the Veterans organizations within the Town of Lancaster as follows:

Not to exceed \$350.00 - Lancaster Post, V.F.W.
Not to exceed \$250.00 - Twin Village Post, V.F.W.
Not to exceed \$250.00 - Depew Post, American Legion
Not to exceed \$150.00 - Korean Era Chapter 203
Not to exceed \$100.00 - American Ex-Prisoners of War

provided that such expenses as apportioned shall be paid upon properly itemized and audited vouchers which shall be received during 2010, and

WHEREAS, due to the increase in the cost of American flags, an additional \$100 has been requested by the Korean Era Chapter 203, and

THEREFORE BE IT

RESOLVED, that an additional \$100 be appropriated to the Korean Era Chapter 203 for a total not to exceed \$250 to defray the increase in the expenses incurred for the proper observance of Memorial Day and Independence Day in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 7, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, a Public Hearing was held on the 19th day of April, 2010, on the petition of **Gold Seal Equity Partnership**, for the rezone of certain property located at **5872 Genesee Street at Gunnville Road** in the Town of Lancaster, New York from a Residential Commercial Office District (RCO) to Light Industrial (LI), and

WHEREAS, the Planning Board of the Town of Lancaster at its meeting held March 17, 2010 recommended approval of the rezone, and

WHEREAS, a SEQR review was completed by the Town of Lancaster acting as lead agency on the proposed rezone on June 7, 2010 and a Negative Declaration issued, and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto, and

NOW THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from a Residential Commercial Office District (RCO) to Light Industrial (LI):

5872 Genesee Street at Gunnville Road

ALL THAT TRACT or parcel of land situate in the Town of Lancaster, County of Erie, State of New York distinguished as being part of Lot 12 Section 6, Township 11, Range 6 of the Holland Land Company's survey, so-called, bounded and described as follows:

BEGINNING AT a point in the southerly bounds of Lot 12, Section 6, being the centerline of Genesee Street, said point being the southwesterly corner of lands deeded to the County of Erie by deed recorded in the Erie County Clerk's Office in Liber 6356 of Deeds at page 85 and known as Parcel No. 1 of Map Sk 161-11;

THENCE WESTERLY ALONG the southerly bounds of Lot 12 Section 6 a distance of 363.90 feet to a point in the easterly bounds of lands deeded to John Winspear;

THENCE NORTHERLY ALONG the easterly bounds of said Winspear lands a distance of 1010.29 feet to the southerly bounds of the New York State Thruway, said point being the southwesterly corner of lands appropriated by the State of New York by deed recorded in the Erie County Clerk's Office in Liber 5390 of Deeds at page 121 and known as Parcel No. 880 of Map No. 880;

THENCE EASTERLY ALONG the southerly bounds of the New York State Thruway, also being the southerly bounds of lands described in said appropriation, a distance of 367.00 feet to a point in the present westerly bounds of Gunnville Road, said point being the northwesterly corner of lands appropriated by the State of New York by deed recorded in the Erie County Clerk’s Office in Liber 5390 of Deeds at page 128 and known as Parcel No. 892 of Map No. 892;

2. That this zoning change shall be effective upon the following conditions being met by the developer:

BE IT FURTHER

RESOLVED that the Town Clerk of the Town of Lancaster is hereby directed to undertake the following actions:

- (1) Recite the Zoning Map amendment of the Town Zoning Code in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 7^h day of June 2010;
- (2) Publish a certified copy of the amendment in the Lancaster Bee on or before the 10th day of June, 2010
- .
- (3) File the Affidavit of Publication in the Town Clerk’s Office.
- (4) Furnish a certified copy of this resolution to the Erie County Department of Environment and Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 7, 2010

**LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
5872 GENESEE STREET AT GUNNVILLE ROAD**

LEGAL NOTICE IS HEREBY GIVEN that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from a Residential Commercial Office District (RCO) to Light Industrial (LI):

ALL THAT TRACT or parcel of land situate in the Town of Lancaster, County of Erie, State of New York distinguished as being part of Lot 12 Section 6, Township 11, Range 6 of the Holland Land Company's survey, so-called, bounded and described as follows:

BEGINNING AT a point in the southerly bounds of Lot 12, Section 6, being the centerline of Genesee Street, said point being the southwesterly corner of lands deeded to the County of Erie by deed recorded in the Erie County Clerk's Office in Liber 6356 of Deeds at page 85 and known as Parcel No. 1 of Map Sk 161-11;

THENCE WESTERLY ALONG the southerly bounds of Lot 12 Section 6 a distance of 363.90 feet to a point in the easterly bounds of lands deeded to John Winspear;

THENCE NORTHERLY ALONG the easterly bounds of said Winspear lands a distance of 1010.29 feet to the southerly bounds of the New York State Thruway, said point being the southwesterly corner of lands appropriated by the State of New York by deed recorded in the Erie County Clerk's Office in Liber 5390 of Deeds at page 121 and known as Parcel No. 880 of Map No. 880;

THENCE EASTERLY ALONG the southerly bounds of the New York State Thruway, also being the southerly bounds of lands described in said appropriation, a distance of 367.00 feet to a point in the present westerly bounds of Gunnvile Road, said point being the northwesterly corner of lands appropriated by the State of New York by deed recorded in the Erie County Clerk's Office in Liber 5390 of Deeds at page 128 and known as Parcel No. 892 of Map No. 892;

June 7, 2010

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :

THIS IS TO CERTIFY that I, Johanna M. Coleman, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of an Ordinance on the 7th day of June 2010 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto signed my hand and affixed the Seal of said Town this 7th day of June, 2010.

(S E A L)

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, Gold Seal Equity Partnership, 2 Wendling Court, Lancaster, New York, has submitted a Site Plan prepared by Tredo Engineers dated April 20, 2010 and received April 22, 2010 for the proposed construction of a 50,000 square foot Manufacturing and Office Facility to be located at 5872 Genesee Street in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the original plan and at its meeting on May 5, 2010 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held June 7, 2010 and a negative declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by **Gold Seal Equity Partnership** and prepared by Tredo Engineers dated April 20, 2010 and received April 22, 2010 for the proposed construction of a 50,000 square foot Manufacturing and Office Facility to be located at 5872 Genesee Street in the Town of Lancaster in the Town of Lancaster with the following condition:

- 1) Subject to approval of landscaping plan by General Crew Chief Terrence McCracken.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 7, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, , WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau by letter dated June 1, 2010, has recommended appointments for the Youth Bureau’s Special Exam Prep Session, Summer Skills Building Program, Safe Summer Reinforcement & Enrichment Program and the Summer Theater Workshop.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to positions in the Youth Bureau’s Special Exam Prep Session, Summer Skills Building Program, Safe Summer Reinforcement & Enrichment Programs, and Summer Theater Workshop effective June 1, 2010 through August 31, 2010, at the following rates:

<u>Name</u>	<u>Position</u>	<u>Rate</u>
John Arcese (new hire) Depew, NY 14043	Tutor	\$15.00/hr.
Angela Hirtzel (new hire) Lancaster, NY 14 086	Tutor	\$15.00/hr.
Christopher Mekelburg (new hire) Lancaster, NY 14086	Tutor	\$15.00/hr.
Amy Doody (rehire) Cheektowaga, NY 14227	Tutor	\$16.00/hr.
Lynn Dalfonso (rehire) Lancaster, NY 14086	Choreographer Summer Theatre Workshop	\$16.50/hr.
Robert Pacillo (rehire) Lewiston, NY 14092	Music Director/Accompanist Summer Theatre Workshop	\$16.00/hr.
John Kaczorowski (rehire) Amherst, NY 14226	Drama Director Summer Theatre Workshop	\$15.00/hr.
Cheryl Glose (rehire) Lancaster, NY 14086	Technical Director Summer Theatre Workshop	\$16.50/hr.
Ryan Kaminski (rehire) Lancaster, NY 14086	Music Director Summer Theatre Workshop	\$13.00/hr.
Kevin Kaminski (rehire) Lancaster, NY 14086	Drama Director Summer Theatre Workshop	\$ 9.00/hr.
Tara Kaczorowski (new hire) Amherst, NY 14226	Choreographer Summer Theatre Workshop	\$12.00/hr.
Alaina Zyhowski (rehire) Lancaster, NY 14086	Drama Assistant Summer Theatre Workshop	\$10.00/hr.

Deborah Jasinski (rehire) North Tonawanda, NY 14120	Drama Assistant Summer Theatre Workshop	\$10.00/hr.
Sarah Demers (rehire) Williamsville, NY 14221	Tutor	\$16.00/hr.
Donna Greene (rehire) Depew, NY 14043	Tutor	\$15.50/hr.
Jessica Budowski (rehire) West Seneca, NY 14225	Tutor	\$16.00/hr.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 7, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

A meeting of the Town Board of the Town of
Lancaster, in the County of Erie, New York,
was held at the Town Hall, in said Town, on
June 7, 2010.

PRESENT:

Hon. Robert H. Giza, Supervisor
John Abraham, Jr., Councilperson
Mark Aquino, Councilperson
Ronald Ruffino, Sr. Councilperson
Donna Stempniak, Councilperson

In the Matter
of the

Increase and Improvement of Facilities of the Town of Lancaster
Consolidated Water District, in the Town of Lancaster, in the
County of Erie, New York, pursuant to Section 202-b of the
Town Law.

**RESOLUTION AND ORDER
AFTER PUBLIC HEARING APPROVING
THE INCREASE AND IMPROVEMENT OF
FACILITIES OF THE TOWN OF LANCASTER
CONSOLIDATED WATER DISTRICT**

WHEREAS, the Town Board of the Town of Lancaster (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has pursuant to Town Law, created the Town of Lancaster Consolidated Water District (the "District"), and has directed Wm. Schutt & Associates, competent engineers licensed in New York, to prepare a revised map, plan and report for the District's water system improvements including the construction of approximately 9,380 linear feet of 12 inch Town owned watermain along Impala Parkway, Steinfeldt Road, Erie Street and Walter Winter Drive, and the replacement of approximately 38,610 linear feet of deteriorated watermain with 8 inch Town owned watermain along Broadway, Bowen Road, Lake Avenue, Ransom Road, Townline Road, Waltham Avenue, William Street and Penora Street, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto, (collectively, the "District Improvement"); and pursuant to the direction of the Town the Engineer has completed and filed with the Town Board such preliminary engineering map, plan and report for said increase and improvement of facilities of the District and has estimated the total cost thereof to be a maximum amount of \$7,000,000; said cost to be financed by the issuance of serial bonds of the Town in the amount of \$7,000,000, offset by any federal, state, county and/or local funds received; and

WHEREAS, an amendment to such original map, plan and report was made by Wm. Schutt & Associates to include recommended improvements, including the replacement of approximately 4,400 linear feet of deteriorated watermain, on a portion of one additional street, Penora Street, and such amended and revised map, plan and report is on file at the office of the Town Clerk, and available for public inspection at said location; and

WHEREAS, such amended map, plan and report (hereinafter referred to as map, plan and report) has not been modified in any material respect other than as described above.

WHEREAS, the Town Board has given due consideration to the impact that the increase and improvement of the facilities of the District may have on the environment and on the basis of such consideration, the Town Board found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, which has been filed in the office of the Town Clerk.

WHEREAS, the Town Board issued an Order at its May 20, 2010 meeting calling for a public hearing to be held at the Town Hall, Lancaster, New York, on June 7, 2010 at 8:15 o'clock P.M. (prevailing time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing; and

WHEREAS, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices.

NOW THEREFORE BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF LANCASTER, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$7,000,000; and it is hereby

DETERMINED, that the parcels and lots of the District shall be benefited by said increase and improvement of the facilities of the District; and it is hereby

DETERMINED, that all parcels and lots benefited by said increase and improvement of the facilities are included in the District; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible, and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an amount not to exceed \$7,000,000, said amount to be offset by any federal, state, county and/or local funds, and the costs of said increase and improvement of facilities shall be annually apportioned among the District by the Town Board, and the amounts so apportioned shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law, and it is hereby

FURTHER ORDERED, that within ten (10) days after adoption of this Resolution and Order, the Town Clerk shall record with the Clerk of the County of Erie a copy of this Resolution and Order, certified by said Town Clerk.

DATED: June 7, 2010

TOWN BOARD OF THE
TOWN OF LANCASTER

(SEAL)

The adoption of the foregoing Resolution Approving the Increase and Improvement of Facilities of the Town of Lancaster Consolidated Water District was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Resolution approving the increase and improvement of facilities of the Water District was declared adopted.

June 7, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

A BOND RESOLUTION, DATED JUNE 7, 2010, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE "TOWN"), AMENDING THE BOND RESOLUTION ADOPTED DECEMBER 18, 2006, AUTHORIZING THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE TOWN OF LANCASTER CONSOLIDATED WATER DISTRICT AT AN ESTIMATED MAXIMUM COST OF \$7,000,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,000,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, on December 18, 2006 the Town Board of the Town of Lancaster, Erie County, New York adopted a bond resolution authorizing the increase and improvement of facilities of the Consolidated Water District (the "Improvement Project"), in an amount not to exceed \$7,000,000.

WHEREAS, the Town Board has determined to amend the December 18, 2006 bond resolution due to an expansion of the scope of the project to include recommended improvements, including the replacement of approximately 4,400 linear feet of deteriorated watermain, on a portion of one additional street, Penora Street (as so revised, the "Improvement Project").

WHEREAS, the Town Board of the Town of Lancaster, Erie County, New York (the "Town"), has determined to proceed with the revised Improvement Project; and

WHEREAS, the Town Board desires to undertake the construction of approximately 9,380 linear feet of 12 inch Town owned watermain along Impala Parkway, Steinfeldt Road, Erie Street and Walter Winter Drive, and the replacement of approximately 38,610 linear feet of deteriorated watermain with 8 inch Town owned watermain along Broadway, Bowen Road, Lake Avenue, Ransom Road, Townline Road, Waltham Avenue, William Street and Penora Street, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto, (the "District Improvement").

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the Improvement.

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the Increase and Improvement of facilities of the Town of Lancaster Consolidated Water District (the "District") in the Town of Lancaster. The estimated maximum cost of said purpose is \$7,000,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an amount not to exceed \$7,000,000 said amount to be offset by any federal, state, county and/or local funds, and, unless paid from other sources, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. Unless paid from other sources, there shall be the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes

and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date of the December 18, 2006 Bond Resolution) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (b) if the provisions of law which should be complied with at the date

of publication of this resolution are not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

- (2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. This Resolution is effective immediately.

SECTION 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in said Town and designated as the official newspaper of said Town for such publication.

SECTION 15. Nothing in this amendment shall affect the validity of the original December 18, 2006 bond resolution, or any action taken thereunder and any said actions are hereby ratified.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The foregoing resolution was thereupon declared duly adopted.

June 7, 2010

LEGAL NOTICE

NOTICE OF BOND RESOLUTION

TOWN OF LANCASTER

NOTICE IS HEREBY GIVEN that an amending bond resolution, a summary of which is published herewith, has been adopted by the Town Board of the Town of Lancaster, County of Erie, on June 7, 2010 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

(1) (a) such obligations were authorized for an object or purpose for which the Town of Lancaster is not authorized to expend money or

(b) if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice; or

(2) such obligations were authorized in violation of the provisions of the Constitution of New York.

SUMMARY OF RESOLUTION

The following is a summary of an amending bond resolution adopted by the Town Board of the Town of Lancaster on June 7, 2010 that amends a prior bond resolution dated December 18, 2006. The proceeds from the sale of the obligations authorized in said resolution shall be used for the specific purpose of constructing the increase and improvement of facilities of the Town of Lancaster Consolidated Water District including the construction of approximately 9,380 linear feet of 12 inch Town owned watermain along Impala Parkway, Steinfeldt Road, Erie Street and Walter Winter Drive, and the replacement of approximately 38,610 linear feet of deteriorated watermain with 8 inch Town owned watermain along Broadway, Bowen Road, Lake Avenue, Ransom Road, Townline Road, Waltham Avenue, William Street and Penora Street, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto, at an estimated maximum amount of \$7,000,000. Said bond resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of said serial bonds, in an amount not to exceed \$7,000,000, said amount to be offset by any federal, state, county and/or local funds received. Such amending bond resolution is due to an expansion of the scope of the project to include recommended improvements, including the replacement of approximately 4,400 linear feet of deteriorated watermain, on a portion of one additional street, Penora Street. The period of probable usefulness for said purpose is 40 years. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Town Clerk, located in the Town Hall, 21 Central Avenue, Lancaster, New York.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

RESOLVED, that the resolution adopted by the Town Board on August 3, 2009 authorizing the purchase of two (2) new 2010 International 7600 4X2 Cab and Chassis with Plow and Dump Body Trucks is hereby amended to change the model year of the trucks from 2010 to 2011, and that the purchase of said trucks is hereby ratified.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 7, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the New York State Department of Agriculture & Markets has proposed in the Governor’s Budget to remove the licensing of dogs from the State control and turning it over to all municipalities in New York State; and

WHEREAS, under Senate Bill S.2211 and Assembly Bill A.10330 the legislatures have proposed a requirement that all dogs must be microchipped and a registry of dogs be created, which the Town of Lancaster believes creates an undue burden on dog owners which may result in fewer licensed dogs and creates an undue burden on local municipalities to regulate and enforce compliance of these provisions; and

WHEREAS, the Senate has also introduced under Bill S.2219 a law requiring all dogs and their owners to successfully complete basic obedience training prior to being granted a dog license, which the Town of Lancaster also believes creates an undue burden on dog owners which may result in fewer licensed dogs and creates an undue burden on local municipalities to regulate and enforce compliance of these provisions;

BE IT RESOLVED, that the Town of Lancaster opposes Senate Bill S.2211 requiring all dogs in New York State to be microchipped and a registry of dogs to be created and Bill S.2219 requiring all dogs and their owners to successfully complete basic obedience training prior to being granted a dog license, which will create an undue burden on dog owners, which may result in fewer licensed dogs and creates an undue burden on local municipalities to regulate and enforce compliance of these provisions and,

BE IT RESOLVED, the Town of Lancaster opposes Assembly Bill A.10330 requiring all dogs in New York State to be microchipped and a registry of dogs to be created, which will create an undue burden on dog owners, which may result in fewer licensed dogs and creates an undue burden on local municipalities to regulate and enforce compliance of these provisions and,

BE IT RESOLVED, the Town of Lancaster opposed in general the proposal to shift the cost of burden of licensing dogs to local municipalities and,

BE IT FURTHER

RESOLVED, that the Town Clerk is hereby ordered to send a certified copy of this resolution to the Town’s local Senate and Assembly representatives and to Governor David Patterson and,

NOW THEREFORE BE IT

RESOLVED, that this resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 7, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously advertised for bids for furnishing six (6) new 2010 Police Vehicles and one (1) new 2010 Special Services S.U.V. Vehicle to the Police Department of the Town of Lancaster in accordance with specifications on file with the Town Clerk of the Town of Lancaster, and

WHEREAS, the Chief of Police of the Town of Lancaster, by letter dated June 2, 2010 has recommended the purchase of the before mentioned vehicles, in accordance with said specifications, from the low bidder thereon, DeLacy Ford, Inc., 3061 Transit Road, Elma, New York 14059;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the bid of DeLacy Ford, Inc. is accepted and that an order for these vehicles is hereby authorized to be placed by the Chief of Police as follows:

A. The purchase of six (6) 2010 Police Vehicles at a unit price of \$25,055. for each of the 2010 Ford Crown Victorias and the purchase of one (1) Special Services S.U.V. Ford Expedition at a cost of \$31,260. for a total expenditure of \$139,390. which includes the trade-in allowance for each vehicle as set out in the bid.

2. That the following vehicles be traded to DeLacy Ford, Inc., as per the trade-in allowances listed on the Bid Form:

A. One (1) 2007 Ford Crown Victoria Vin #2FAHP71W07X131764	\$5,500.00
B. One (1) 2008 Ford Crown Victoria Vin #2FAHP71V38X164539	\$6,500.00
C. One (1) 2008 Ford Crown Victoria Vin #2FAHP71V18X164541	\$6,000.00
D. One (1) 2008 Ford Crown Victoria Vin #2FAHP71V18X164538	\$6,700.00
E. One (1) 2008 Ford Crown Victoria Vin #2FAHP71V88X164536	\$6,500.00

F. One (1) 2008 Ford Crown Victoria Vin #2FAHP71VX8X164540	\$6,500.00
G. One (1) 2002 Ford Expedition Vin #1FMRU16W42LA41502	\$4,500.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 7, 2010

COMMUNICATIONS & REPORTS

215. Village of Lancaster to Town Board -
Minutes of meeting held April 26, 2010. DISPOSITION = Received & Filed
216. Joanne Rocco to Town Board -
Request for renewal of special use permit for home occupation at 5300 William Street.
DISPOSITION = For Resolution
217. Supervisor to Town Board -
Notice of special Town Board meeting to be held Thursday, May 20, 2010, 6:00 P.M.
regarding the bond authorization for reconstruction of Glendale Drive and Parkdale Drive
and a call for a public hearing regarding the Lancaster Consolidated Water District
improvement project. DISPOSITION = Received & Filed
218. Town Clerk to Various News Media -
Notice of special Town Board meeting to be held Thursday, May 20, 2010, 6:00 P.M.
regarding the bond authorization for reconstruction of Glendale Drive and Parkdale Drive
and a call for a public hearing regarding the Lancaster Consolidated Water District
improvement project. DISPOSITION = Received & Filed
219. Wm. Schutt & Associates, P.C. to Town Board -
Transmittal of Amendment to Map Plan and Report for Increase and Improvement of
Facilities Watermain Replacement and Improvements. DISPOSITION = Received &
Filed
220. Abate Associates to Town Board -
Recommendation to award bid for paving, drainage, and sanitary sewer improvements
along Glendale Drive & Parkdale Drive to Northeast Diversification, Inc., the apparent
low bidder. DISPOSITION = Received & Filed
221. Josephine A. Greco & Associates, PLLC to Supervisor -
Letter regarding possible inclusion of the Town of Alden in negotiations with Time
Warner Cable. DISPOSITION = Town Attorney
222. General Crew Chief to Supervisor -
Request for public hearing regarding posting of no parking along roads intersecting the
Heritage Trail. DISPOSITION = Resolution 6/7/10
223. Erie County Department of Public Works to Town Board -
Notice of closure of Ransom Road between Walden Avenue and Westwood Road from
Monday, May 24, 6:00 AM through Thursday, May 27, 6:00 PM for repair of the railroad
crossing. DISPOSITION = Received & Filed
224. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town
Attorney, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held May 19, 2010. DISPOSITION = Received & Filed
225. Planning Board to Town Board -
Notice of tabling to June 2, 2010 meeting regarding site plan of Transit Boulevard
Apartment Complex, Transit Road north of William Street; conditions noted.
DISPOSITION = Received & Filed
226. Mr. & Mrs. Alexander Bielecki to Supervisor -
Copy of letter sent to General Crew Chief expressing appreciation for work done on the
Enchanted Forest North island. DISPOSITION = Received & Filed
227. Code Enforcement Officer to Town Board -
Recommendation to renew special use permit for home business located at 60 Michael's
Walk. DISPOSITION = Resolution 6/7/10
228. Time Warner Cable to Supervisor -
Notification of cable television developments within the Town. DISPOSITION =
Received & Filed

229. DAV Korean Era Chapter #203 to Supervisor -
Request for additional funding for flags for July 4th Celebration. DISPOSITION = Resolution 6/7/10
230. Town Attorney to Town Board, Planning Board, Building Inspector, Town Engineer, Town Clerk -
Notice of SEQR meeting to be held Monday, June 7, 2010, 6:30 PM regarding rezone petition for Gold Seal Equity Partnership, 5872 Genesee Street at Gunnville Road. DISPOSITION = Received & Filed
231. Kulback's Construction, Inc. to Town Clerk -
Transmittal of letter and maps from the New York State Office of Parks, Recreation and Historic Preservation regarding site plan of Buffalo Filter, 5872 Genesee Street at Gunnville Road. DISPOSITION = Planning Committee
232. Town Clerk to Various News Media -
Notice of SEQR meeting to be held Monday, June 7, 2010, 6:30 PM regarding rezone petition for Gold Seal Equity Partnership, 5872 Genesee Street at Gunnville Road. DISPOSITION = Received & Filed
233. Executive Director, Youth Bureau to Supervisor -
Request resolution to hire summer seasonal employees. DISPOSITION = Resolution 6/7/10
234. Erie County Department of Environment & Planning to Carmina Wood Morris, P.C. -
Comments regarding proposed urgent care facility, 4827 Transit Road; comments noted. DISPOSITION = Planning Committee
235. Erie County Department of Environment & Planning to Supervisor -
Notice of Lead Agency designation regarding Prairie Landing Subdivision; comments, concerns and recommendation noted. DISPOSITION = Planning Committee
236. Highway Superintendent to Town Board -
Request resolution authorizing the replacement of curbs and driveway aprons by Wayne Block Co., Inc. DISPOSITION = For Resolution
237. Code Enforcement Officer to Town Board -
Recommendation to renew special use permit for home business located at 5300 William Street. DISPOSITION = For Resolution
238. Erie County Department of Environment & Planning to Town Clerk -
Notification of meeting regarding Flood Risk Map Update to be held Friday, June 11, 2010, 10:00 AM at Erie Community College, City Campus. DISPOSITION = Town Engineer
239. Lancaster-Depew Substance Abuse Prevention Coalition to Town Board -
Request use of the Town Band Shell in August 2010 for a community event. DISPOSITION = Town Board
240. Town Clerk to Town Board -
Monthly report for May 2010. DISPOSITION = Received & Filed
241. Erie-Niagara Tobacco-Free Coalition to Supervisor -
Notice of Annual Recognition Event to be held Tuesday, June 8, 2010 at Westwood Park. DISPOSITION = Received & Filed
242. Association of Erie County Governments to Town Board -
Notice of meeting to be held Thursday, June 17, 2010, 6:00 PM in Brant, New York. DISPOSITION = Town Board
243. Erie County Department of Environment & Planning to Supervisor -
Notification of Lead Agency Designation regarding site plan for Buffalo Filter Corporation, 5872 Genesee Street; comments, concerns and recommendation noted. DISPOSITION = Planning Committee

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the meeting was adjourned at 9:57 P.M.

Signed _____
Johanna M. Coleman, Town Clerk